REMARKS

Claims 1-11 and 33-38 are pending.

Claims 1-4 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Furuya et al (US 6,084,215) in view of Kholodenka et al (US 6,310,755).

Claims 5-9 and 33-38 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Furuya et al (US 6,084,215) in view of Kholodenka et al (US 6,310,755) and further in view of Mahawili (US 5,059,770) or Carman et al (US 5,294,778).

Claim 10 stands rejected under 35 USC §103(a) as being allegedly unpatentable over Furuya et al (US 6,084,215) in view of Kholodenka et al (US 6,310,755) and further in view of Weber (US 4,518,848).

Claim 11 stands rejected under 35 USC §103(a) as being allegedly unpatentable over Furuya et al (US 6,084,215) in view of Kholodenka et al (US 6,310,755) and further in view of Yoshida (US 6,080,970).

Rejection under 35 USC §103(a) – claims 1-4

Claims 1-4 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Furuya et al (US 6,084,215) in view of Kholodenka et al (US 6,310,755). This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a prima facie case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable

expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See In re Royka, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Furuya teaches a spring-mounted temperature measurement apparatus disposed within a wafer holder. Furuya suggests measuring the temperature in absence of a plasma process in a wafer storage chamber (FIG. 1).

Kholodenka teaches a heater 235 embedded in the base 175 rather than in the dielectric 115 of the electrostatic member 100. See col. 10, lines 22-24. Kholodenka teaches away from a flat support having a heater embedded therein as presently claimed in the present application (see claim 1).

There is no teaching in either Furuya or in Kholodenka, which suggests that the references be combined in the manner proposed. With regard to the modification of Furuya and Kholodenka, it is well known that in order for any prior-art reference to be validly modified for use in a prior-art §103 rejection, the reference itself must suggest the desire for modification. E.g., as was stated in In re Fritch, 972 F.2d 1260, 1266, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992):

> The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

Furuya teaches an apparatus for measuring the temperature of a wafer "in an electrical characteristic test and reliability test for chips." Col. 2, lines 44-45. "In carrying a reliability test for a wafer, a wafer W is integrated with a contactor 3 into a single entity on a wafer holding table. In this state, each wafer is put into each wafer

storage chamber 1." Col. 7, lines 6-10. "In the temperature control compartment 1A, a base 5 is provided." Col. 7, line 30. "Between the base 5 and pressure plate 7, a support plate 8 is provided in parallel with the base 5". Col. 7, lines 40-41. Furuya therefore teaches a support plate 8 that includes a bottom jacket 9 in a temperature control compartment 1A of a wafer storage chamber 1 in the absence of a plasma process. Furuya does not teach or suggest a flat support **receiving an incoming flux from a plasma during a process**. Furthermore, the apparatus of Furuya is not designed for use **during a process in a plasma chamber**. Therefore, one of ordinary skill in the art would not have combined the teachings of Furuya and Kholodenka.

Thus, Applicant submits that the combination of Furuya and Kholodenka is inappropriate and respectfully requests the rejection be withdrawn.

Rejection under 35 USC §103(a) – claims 5-9 and 33-38

Claims 5-9 and 33-38 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Furuya et al (US 6,084,215) in view of Kholodenka et al (US 6,310,755) and further in view of Mahawili (US 5,059,770) or Carman et al (US 5,294,778). This rejection is respectfully traversed.

These rejections are respectfully traversed for at least the reason that each of the rejected claims ultimately depend on an above-discussed allowable base claim. The arguments set forth above regarding the base claims are equally applicable here. The base claims being allowable, the dependent claims must also be allowable. Therefore, applicant respectfully requests the rejection be withdrawn.

Rejection under 35 USC §103(a) – claim 10

Claim 10 stands rejected under 35 USC §103(a) as being allegedly unpatentable over Furuya et al (US 6,084,215) in view of Kholodenka et al (US 6,310,755) and further in view of Weber (US 4,518,848). This rejection is respectfully traversed.

These rejections are respectfully traversed for at least the reason that each of the rejected claims ultimately depend on an above-discussed allowable base claim. The arguments set forth above regarding the base claims are equally applicable here. The base claims being allowable, the dependent claims must also be allowable. Therefore, applicant respectfully requests the rejection be withdrawn.

Rejection under 35 USC §103(a) – claim 11

Claim 11 stands rejected under 35 USC §103(a) as being allegedly unpatentable over Furuya et al (US 6,084,215) in view of Kholodenka et al (US 6,310,755) and further in view of Yoshida (US 6,080,970). This rejection is respectfully traversed.

These rejections are respectfully traversed for at least the reason that each of the rejected claims ultimately depend on an above-discussed allowable base claim. The arguments set forth above regarding the base claims are equally applicable here. The base claims being allowable, the dependent claims must also be allowable. Therefore, applicant respectfully requests the rejection be withdrawn.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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